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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,322	11/02/2000	Richard Ruben	3188/1H005-US1	4924

7590 03/06/2003  
Darby & Darby PC  
805 Third Avenue  
New York, NY 10022

EXAMINER

VIG, NARESH

ART UNIT PAPER NUMBER

3629

DATE MAILED: 03/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SK

**Office Action Summary**

Application No.

09/704,322

Applicant(s)

RUBEN ET AL.

Examiner

Naresh Vig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 November 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 - 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 19 is/are rejected.
- 7) ☒ Claim(s) 8 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

Claim 8 is objected to because of the following informalities: Claim 8 on line 3 recites "... attribute of at least the at least one user of the tenant entity". Examiner reads the claim as "... attribute of at least one user of the tenant entity". Appropriate correction is required.

Claim 12 is objected to because claim 12 references limit of monetary expenditure. Applicant does not disclose limit of monetary funds in the application. Examiner reads the limit of monetary funds to be the limit as defined in the contractual terms as agreed upon between the parties (lessor and lessee). Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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Claims 1 – 6 and 9 are rejected under 35 USC 102(e) as being unpatentable over Gale et al. US Patent 6,334,107 hereinafter known as Gale.

Regarding claim 1, Gale discloses method and apparatus for managing real estate unit from a remote location. The method includes the steps of accessing a server from a remote location through a website of the server and downloading a set of options regarding the managing of the rental unit from the website to the remote location.

Gale discloses leasing parameters (col. 6, lines 8 – 22); user profile related to management, and authority of users (col. 4, lines 23 – 60).

Regarding claims 2 – 6, Gale discloses that its server may contain files for any number or type of manager. For example, one group of managers may be associated with a first real estate entity, while another group may be associated with a second real estate entity, unrelated by ownership or geographic area. One type of manager may be a building owner. The building owner may be given the highest level of access. Another type of manager may be an accountant performing an organizational audit. An accountant may be given a lower level of access. A third type of manager may be a building manager. The building manager may be given the lowest level of access. [col. 4, lines 23 – 43]. Gale discloses to have owner information (Fig. 17), tenant information (Fig. 13) and manager information (Fig 15).

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Regarding claim 9, Gale discloses to the information as to who is responsible for servicing the appliances as well as an indicator as to the contract terms under which the appliances may be serviced [col. 9, lines 6 – 13].

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 – 8 and 16 – 17 are rejected under 35 USC 103(a) as being unpatentable over Gale et al. US Patent 6,334,107 hereinafter known as Gale.

Regarding claims 7 – 8, Gale does not disclose who assigns the level of access. However, Gale discloses that the building owner may be given the highest level of access. Another type of manager may be an accountant performing an organizational audit. An accountant may be given a lower level of access. A third type of manager may be a building manager. The building manager may be given the lowest level of access. [col. 4, lines 23 – 43]. Also, it is the business decision on the level of security assigned

to users. Therefore, it is obvious that Gale has a user like a system administrator who is responsible for providing access limitations to the users of its system and method to maintain the security of the system.

Regarding claims 16 – 17, Gale does not limit how many properties as owner can own i.e. Gale does not disclose that an owner can own only one property. However, Gale discloses that its system can be used to manage multiple properties. Gale states that "After reviewing the screen 164, the manager 12 may enter "N" to advance to the next property or "P" to return to the previous property. Alternatively, the manager 12 may activate "ENTER" to return to the menu of screen 42" [col. 9, lines 14 – 18]. Also, Gale discloses that within the owner inquiry screen 180 is a first field 182 for identification of the property. Included within the field 182 is a property number, a control date (e.g., acquisition date) and an address. Therefore, it is obvious that Gale system and method can be used to manage plurality of properties owned by one owner entity.

Claims 10 – 14 are rejected under 35 USC 103(a) as being unpatentable over Gale et al. US Patent 6,334,107 hereinafter known as Gale in view of HomeGain.com, Inc. hereinafter known as HomeGain.

Regarding claims 10 – 12, Gale does not disclose to provide communication capabilities between users. However, HomeGain discloses system and method for real estate related business over the internet. HomeGain discloses to provide communication capabilities between users. Also, it is a business decision as to who are allowed to have communication capabilities. Therefore, it is known at the time of invention to a person with ordinary skill in the art that communication capabilities can be provided in the system to manage the exchange of information.

Gale discloses limit of monetary liability [see item 176 on Fig. 16, and also, contract terms in item 178 of Fig. 16]

Regarding claim 13, Gale discloses that the building owner may be given the highest level of access. Another type of manager may be an accountant performing an organizational audit. An accountant may be given a lower level of access. A third type of manager may be a building manager. The building manager may be given the lowest level of access. (assigning different level of authorities for different type of users) [col. 4, lines 23 – 43]. Even though Gale does not disclose providing access of its system and method to a service vendor, it is a business decision as to what user types can access the system. HomeGain discloses to provide access of its system and method to service provider (agent). Therefore, it is known at the time of invention to a person with ordinary

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skill in the art to provide access to the system and method to service providers to manage the exchange of information.

Regarding claim 14, Gale does not disclose to provide communication capabilities between users. However, HomeGain discloses system and method for real estate related business over the internet. HomeGain discloses to provide communication capabilities between users. Also, it is a business decision as to who are allowed to have communication capabilities. Therefore, it is known at the time of invention to a person with ordinary skill in the art that communication capabilities can be provided in the system to manage the exchange of information.

Claims 15, 18 and 19 are rejected under 35 USC 103(a) as being unpatentable over Gale et al. US Patent 6,334,107 hereinafter known as Gale in view of IBM Corporation hereinafter known as IBM.

Regarding claim 15, Gale discloses containing descriptive information about real estate units. Included within the descriptive information may be a unit number (e.g., 5) and name of the property (e.g., an address or commonly used name). Gale discloses to provide a website which the real estate manager may access from a remote location



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through the Internet from virtually any location worldwide. Through the website, the manager may receive information and perform specific management functions [col. 3, lines 1 – 7]. Gale does not disclose the property name to be internet domain name. However, it is a business decision on the naming convention to be used to identify products. Also, IBM discloses to assign domain names to different business entities like micro electronics, networking, software, storage etc. (see Information on IBM). Therefore, it is known at the time of invention to a person with ordinary skill in the art that different domain names can be assigned to identify different products to manage the information on the system.

Regarding claims 18 – 19, Gale discloses that its server may contain files for any number or type of manager. For example, one group of managers may be associated with a first real estate entity, while another group may be associated with a second real estate entity, unrelated by ownership or geographic area. One type of manager may be a building owner. The building owner may be given the highest level of access. Another type of manager may be an accountant performing an organizational audit. An accountant may be given a lower level of access. A third type of manager may be a building manager. The building manager may be given the lowest level of access. [col. 4, lines 23 – 43]. Gale discloses to have owner information (Fig. 17), tenant information (Fig. 13) and manager information (Fig 15).

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***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Gale et al. US Publication US 2001/0025250
2. Greenlee, JR. US Publication US2001/0037273
3. HOW TO: Bind to XML Data with Internet Explorer.
4. Information on Yardi Systems, Inc.

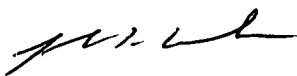
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is 703.305.3372. The examiner can normally be reached on M-F 7:30 - 5:00 (Alt Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 703.308.2702. The fax phone numbers for the organization where this application or proceeding is assigned are 703.305.7687 for regular communications and 703.305.7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.305.3900.

Naresh Vig

February 26, 2003

  
**JOHN G. WEISS**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**